

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Complaint and)	DOCKET TG-110553
Petition of)	
)	
STERICYCLE OF WASHINGTON,)	
INC.,)	NOTICE OF PREHEARING
)	CONFERENCE
For an Order Suspending Tariff Filing)	(Set for April 29, 2011, 10:00 a.m.)
and Initiating an Adjudicatory)	
Proceeding Concerning the)	
Abandonment of Authority Under G-)	
237 and Proposed Biomedical Waste)	
Collection and Transportation Services)	
of Waste Management of Washington,)	
Inc., d/b/a WM Healthcare Solutions)	
(G-237))	
)	
.....)	

1 On March 21, 2011, Stericycle of Washington, Inc. (Stericycle), filed a complaint and petition (complaint), with the Washington Utilities and Transportation Commission (Commission) against Waste Management of Washington, Inc. (Waste Management). The complaint challenges the authority of Waste Management to engage in biomedical waste collection and transportation of compensation under G-237 without a specific grant of such authority by the Commission on the ground, among others, that Waste Management has long since abandoned any authority once provided by G-237 for such services and that the initiation of such services by Waste Management is therefore unauthorized and unlawful. Stericycle requests the Commission issue an order amending and restricting G-237 to expressly exclude biomedical waste collection and transportation services. The complaint is available for inspection at the Commission’s office located at Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington, and on the Commission's web site at www.wutc.wa.gov/110553. It is appropriate that the matter raised in the pleading be brought for hearing before the Commission.

2 On April 12, 2011, Waste Management filed a Motion to Dismiss Stericycle's
Complaint and Petition.

3 **STATUTORY AUTHORITY:** The Commission has jurisdiction over this matter
under RCW Title 81, and has legal authority to regulate the rates, services, and
practices of solid waste collection companies. The statutes that apply to this matter
include RCW 80.01, RCW 80.04, and RCW 81.77, including but not limited to RCW
80.01.040 and RCW 80.04.020. The rules that apply to this matter include those
within WAC 480-70, relating to solid waste collection companies.

4 The Commission will hear this matter under the Administrative Procedure Act (APA),
particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the
APA that relate to this proceeding include, but are not limited to RCW 34.05.413,
RCW 34.05.431, RCW 34.05.440, RCW 34.05.443, RCW 34.05.449, and RCW
34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in
this proceeding.

5 The Commission finds there is good cause to hear this matter on shortened notice.
See WAC 480-07-440(1)(a).

6 **THE COMMISSION GIVES NOTICE That a prehearing conference in this
matter will be held on Friday, April 29, 2011, at 10:00 a.m., Second Floor, Room
206, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia,
Washington.**

7 The purpose of the prehearing conference is to consider requests for intervention,
resolve scheduling matters including establishing dates for distributing evidence and
workpapers, to identify the issues in the proceeding and determine other matters to
assist the Commission in resolving the matter, as listed in WAC 480-07-430.

8 **INTERVENTION:** Persons who wish to intervene should file a petition to intervene
in writing at least three business days before the date of the prehearing conference.
See WAC 480-07-355(a). The Commission will consider oral petitions to intervene
during the conference, but strongly prefers written petitions to intervene. Party
representatives must file a notice of appearance with the Commission no later than the
business day before the conference. *See* WAC 480-07-345(2). If any party or witness
needs an interpreter or other assistance, they should fill out the form attached to this
notice and return it to the Commission. The Commission will set the time and place

for any evidentiary hearings at the prehearing conference, on the record of a later conference or hearing session, or by later written notice.

9 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440. The Commission specifically invokes the sanction provisions of WAC 480-07-450 which allow the Commission to seek penalties for a party in default.**

10 The names and mailing addresses of all known parties and their known representatives are as follows:

Complainant: Stericycle of Washington, Inc.
20320 80th Avenue S.
Kent, WA 98032

Representative: Stephen B. Johnson
Donald B. Scaramastra
Garvey Schubert Barer
1191 Second Avenue, Suite 1800
Seattle, WA 98101
(206) 816-1309
sjohnson@gsblaw.com

Respondent: Waste Management of Washington, Inc.
Mike Weinstein
13225 NE 126th Place
Kirkland, WA 98034

Representative: Polly L. McNeill
Jessica L. Goldman
Summit Law Group PLLC
315 Fifth Avenue S., Suite 1000
Seattle, WA 98104-2682
(206) 676-7000
Pollym@summitlaw.com

Commission: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representative: Fronda Woods
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1225
fwoods@utc.wa.gov

- 11 Administrative Law Judge Dennis J. Moss from the Commission's Administrative Law Division will preside during this proceeding.
- 12 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective April 18, 2011.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquires may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE BE ADVISED that the hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and that if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be designated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____